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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,949	12/27/2000	Gregory C. Flickinger	T721-13	6470

27832 7590 05/24/2004

EXPANSE NETWORKS, INC.
6206 KELLERS CHURCH ROAD
PIPERSVILLE, PA 18947

EXAMINER

SHELTON, BRIAN K

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/24/2004

47

Please find below and/or attached an Office communication concerning this application or proceeding.



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Paper No. 7

EXPANSE NETWORKS, INC.
6206 KELLERS CHURCH ROAD
PIPERSVILLE PA 18947

In re Application of)
Flickinger, et al.)
Application No. 09/748,949)
Filed: December 27, 2000)
For: **ADVERTISEMENT FILTERING AND**)
STORAGE FOR TARGETED)
ADVERTISEMENT SYSTEMS)

**NOTIFICATION OF
IDENTIFICATION OF PRIOR
ART IN LATE PROTEST UNDER 37
C.F.R. § 1.291(a)**

The protest filed May 3, 2004, is a proper citation under 37 C.F.R. §1.291(a); however it was filed after the June 27, 2002 publication date of the application.

Because the protest was filed after publication of the application it is not being entered in the application file. The original protest is enclosed with this letter and the duplicate copy submitted by the protestor is being destroyed in accordance with MPEP § 1901.06, Protest Filed After Allowance Or The Publication Of The Application.

If appropriate, Applicant may wish to consider submitting prior art from the protest pursuant to 37 C.F.R. §1.97 and 37 C.F.R. §1.56 during the prosecution of the application.

The protest did not satisfy the requirements pursuant to 37 C.F.R. §1.99 for failure to provide copies of the references and failure to pay the appropriate fee.

Dwayne D. Bost
Special Programs Examiner
Technology Center 2600
Communications

Enc: Protest (4 pages)



App No 09/748,949

2661

April 27, 2004

Assistant Commissioner of Patents

Washington, DC 20231

RECEIVED

MAY 05 2004

Technology Center 2600

PROTEST UNDER 37 CFR 1.291(a)

Re: Advertisement filtering and storage for targeted advertisement systems

US File # 20020083441

Filed: December 21, 2000

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is 20020083441

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database created and maintained at the client level (Set Top Box [STB] or PVR) (0003) in a client-server ad delivery system. (0010) appropriate ads are selected through correlation of user profiles (that contain voluntary user actions) with the ad database. (0097) (0044) The ad databases are created at a remote server and downloaded to storage (0009) at the STB connected to users' television monitors. Comparing ad profiles to profiles (Advertising Groups) (0091) containing information based on user history or other voluntary user actions or making a channel selection (0044) (0045) is tantamount to placing a URL into a browser locator window, that makes a match with ad database data maintained at the computer STB in the remotely controlled and updated STB database and in the event a match is made by comparing, an appropriate advertisement is displayed. This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

This embodiment is described in Claims 1, 3, 6, 18, 21, 22 and others. Basing ad display based upon profile comparisons, channel selections or other voluntary users' actions is no different than selecting a URL in a browser or Keyword in a search engine. Whether a cable TV network or the internet or both, both are electronic communication networks. (0041) The system is described in paragraphs (0003) (0009) (0010) (0013) (0041) (0044) (0045) (0059) (0064) (0097) and others.

The abstract reads, in part, "An advertisement storage and filtering system for selectively identifying targeted advertisements to be stored in the memory of the STB. This storing of the selected advertisements can be accomplished in a

number of ways. In one embodiment, the advertisements, in real-time and as they are received at the STB, are processed by the STB and only those advertisements with the appropriate characteristics are stored on the hard drive (HD)."

I am objecting to this patent filing, as it is neither novel nor unique. It is of particular note that no prior art was submitted with this filing correlating to the internet and only some broad references to server profiling systems. The filers are correct that a targeted system based on program selections, profiles or voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references that describe equivalent systems:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 12/21/2000 filing. The prior art listed all precede any references contained in this Application.

I believe the Examiner should look very closely at the Claims made and reject this Application based on the prior art herein submitted.